

IN THE COURT OF APPEALS
SECOND DISTRICT OF TEXAS

Charles Barton,
Appellant

VS.

THE STATE OF TEXAS,
Appellee

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No. 02-17-00188-CR DEBRA SPISAK
Clerk

FILED IN
2nd COURT OF APPEALS
FORT WORTH, TEXAS
11/30/2017 3:53:53 PM

**APPELLANT'S THIRD MOTION FOR EXTENSION OF TIME
TO FILE APPELLANT'S BRIEF**

TO THE HONORABLE JUDGE OF SAID COURT:

This motion is filed on behalf of the Appellant by his attorney, **Ed G. Jones**. The purpose of this motion is to request that the Court grant a sixty (60) day extension of time for filing the Appellant's brief. Counsel certifies that all of the matters set forth in this motion are in the record or within the personal knowledge of the attorney signing this motion. TEX. R. APP. PROC. 10.2.

I.

This case originated in the Criminal District Court Number Three of Tarrant County, Texas. The style and number of the case was The State of Texas v. Charles Barton cause number 1314404.

II.

On November 19, 2012, Applicant was arrested in Grapevine, Texas, for harassment. On February 11, 2013, Applicant was charged with eight counts of harassment under Texas Penal Code section 42.07(a)(7).

On August 8, 2016, Applicant filed a motion to quash the information arguing the Texas Penal Code section 42.07(a)(7) harassment statute was unconstitutional. Tarrant County CCC8 denied Applicant's motion. On April 12, 2017, the Original Application for Writ of Habeas Corpus was filed.

Defendant posted bond and is not currently incarcerated.

III.

The length of time requested for the present extension of time is sixty (60) days from

December 1, 2017 until February 1, 2018. This Court has granted two extensions of time for filing the Appellant's brief. An extension of time is not sought for purposes of delay but, instead, to adequately protect the rights of the Appellant.

IV.

The reason for the request for additional time to prepare this brief is that counsel for appellant is still researching possible issues for appeal in the above cause.

WHEREFORE, PREMISES CONSIDERED, Appellant prays that this Court grant this motion and allow counsel for Appellant for sixty (60) additional days from until December 1, 2017 to February 1, 2018 to prepare the Appellant's brief in this case.

Respectfully submitted,

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By: 

EDWARD G. JONES
State Bar No. 00794043
Attorney for Defendant
TOBIAS XAVIER LOPEZ
State Bar No. 24089233

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing Appellant's Third Motion for Extension of Time to File Appellant's Brief has been served by e-mail to COAappellatealerts@TarrantCountytx.gov, 401 W. Belknap, Tim Curry Justice Center, Fort Worth, Texas 76196, the attorney for the State of Texas on this the 30th day of November, 2017.

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By: _____

EDWARD G. JONES
State Bar No. 00794043
Attorney for Defendant

CERTIFICATE OF CONFERENCE

On this the 30th day of November 2017 at 3:44 p.m., I certify that a conference was held with Steven Baker, the opposing attorney, on the merits of this motion and the opposing party does not object to this motion.

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Attorney for Defendant

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ORDER

On this date came on to be heard Appellant's First Motion for Extension of Time to File Appellant's Brief and, after hearing the evidence, the Court is of the opinion that the same should be and is hereby:

[] **GRANTED.**

[] **DENIED,** to which ruling Appellant excepts.

SIGNED on this the _____ day of _____, 2017.

JUSTICE PRESIDING